

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE  
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR  
WEDNESDAY, MAY 18, 2005

FISHER ISLAND TENNIS CENTER

**1. Call to Order**

With MAC Chairperson, Ira Ostrow presiding, the May 18, 2005 Fisher Island MAC meeting was called to order at 6:10 PM.

**2. Role Call**

Present were the following:

Javier Acosta

Robert Vole

Ira Ostrow

Jorge Garcia

Mr. Michael Pearce

Absent:

William Charouhis

Carolyn Sakolsky

Mr. Ostrow informs the MAC that he received a call from Mr. Charouhis resigning from the MAC, as his time does not allow him to participate. Mr. Charouhis feels he has not been able to carry out his responsibilities and said that if the MAC ever needs his assistance feel free to call upon him.

Mr. Ostrow states that members keep this in mind so that by the next MAC meeting perhaps other candidates can be nominated.

**3. Approval of Minutes**

Mr. Acosta called for a motion to approve the Minutes of the 3/30/05 meeting the motion was seconded by Jorge Garcia and the Minutes were approved.

The Minutes of the April 27th meeting were distributed and they will be approved at the next meeting.

**4. Update**

Mr. Ostrow takes a moment to bring everyone up to date. He informs that the

second draft of the Pro Forma Budget had been submitted to the Department of Incorporation and Annexation, and at the last meeting Mr. Rodriguez came back to the MAC with some deletions, additions, and adjustments. The Budget Subcommittee has since met once again to complete the third draft of the budget using the information provided by Mr. Rodriguez. Copies of the updated Pro Forma Budget were distributed.

## **5. Pro Forma Budget Discussion**

Mr. Ostrow asks Mr. Rodriguez if there are any further corrections or adjustments to be made to the Pro Forma Budget.

Mr. Rodriguez addresses the MAC and informs that he presented draft number three of the Pro Forma Budget to his boss, Peter Villar, for review. He noted Mr. Villar's observations and information that he would bring back to the MAC. Mr. Rodriguez distributed copies of the notes to MAC members.

Mr. Rodriguez opens the discussion by reminding the MAC that as a condition of incorporation the County requires that an area wishing to incorporate enter into contract with the MDPD for local patrol for three years and a transition year and for specialized services in perpetuity. Mr. Villar reviewed the budget and noted that the Public Safety allocation in the budget is \$85,000. He explained that because the County requires the municipality to contract with MDPD, they rely on the information provided by the police department as to the cost of providing local patrol services for the area that wishes to incorporate. In the case of the Fisher Island MAC, the Miami-Dade Police Department has made three proposals to the MAC and Mr. Rodriguez is using the lowest figure proposed by the MDPD. His unit feels that the budget of the MAC has to reflect at least the minimum amount proposed to the MAC. Mr. Rodriguez suggests adjusting the Public Safety figure to meet the amount of the minimum staffing proposal and adjusting the Capital Projects amount to compensate for the Public Safety increase.

Mr. Rodriguez then moves on to Mitigation. He points out that the mitigation proposal for this MAC is 1.5 mill and that is based on Most Favored Nation Status with the City of Doral. Draft three of the budget indicates \$803,000 mitigation based on 1 mill rate. Therefore, there is a shortfall of \$356,000 for the 1.5 mitigation. Mr. Rodriguez again indicates that the difference can be made up from the Capital Projects figure and that would still give the MAC \$769,000 for Capital Projects allocation. Mr. Rodriguez points out that even if proposal number two of the MDPD was used, there would still be \$443,000 for Capital Improvements and have better police coverage.

Mr. Rodriguez says those are the observations that he brings to the table at this meeting and welcomes the MAC's impressions or comments.

Mr. Ostrow points out that the MAC made it clear that the police proposals were unreasonable to the Fisher Island community. The MAC decided that they would draft a letter and thought that Mr. Villar would approach the police department and that they would recognize the uniqueness of Fisher Island and understand that they want the same coverage that they have had until now. At this point the MAC has not heard from Mr. Villar or Mr. Parker.

Mr. Vole informs that he has requested comparison of what the police department is proposing compared to what other municipalities are paying. He explains that from what he has heard from other municipalities, the figures being proposed to Fisher Island are way over what other municipalities are paying for officers.

Mr. Rodriguez states that there was a detailed comparison brought to the table by county. Mr. Vole responds that the comparison presented was just one bulk figure not a per officer salary comparison. He has made this request repeatedly.

Mr. Garcia adds that what really concerns him is that he thoroughly explained to Captain O'Donnell before writing the letter to Director Parker, that they will not be setting shop inside the island. There is no real land inside Fisher Island for them to house themselves and that what they would patrol would only be the public areas of Fisher Island, which at this point is considered the terminal island. He explained to Capt. O'Donnell that based on that consideration the numbers needed to be adjusted to reflect that they would only come into the Island on a 911 basis or when someone calls for a specific reason. Mr. Garcia doesn't understand why a police department would take it upon themselves to patrol private property and takes that into consideration onto the budget that they are presenting a community. The budget they presented is for them setting up shop on private property and this is unheard of in a private municipality. Mr. Garcia feels the police department completely ignored the circumstances of this island. The Home Charter indicates that the municipality is bound to contract with the Miami Dade Police Department, but nowhere does it indicate a dollar amount for services rendered. Mr. Garcia asks that Mr. Rodriguez take that back to the police department.

Mr. Rodriguez responds that he will be happy to bring back that information to the police. He feels that they are in fact very well aware of the point made by Mr. Garcia because Capt. O'Donnell has been at MAC meetings multiple times. Mr. Rodriguez checked with Capt. O'Donnell as to the response to the letter sent to Mr. Parker and was informed that a response is being drafted.

Mr. Garcia says he finds odd that this figure being brought back to the committee and that they have not responded to the letter in a way for the MAC to understand that figure.

Mr. Rodriguez explains that they don't report to the police department nor does the police department report the them. They work together. Yes, they have to wait and see what the police department responds to the MAC, but at the same time they have to move with the information the MAC has provided.

Mr. Ostrow comments that the police department overstated their presence in the first proposal and repeatedly said there was nothing they could do about. He also states that it was his understanding that they are required to contract with them for three years and a fourth transitional year is optional if needed.

Mr. Rodriguez states that the fourth year is not optional as per Chapter 20 -26.

Mr. Ostrow says he will look at it again. He goes on to comment that they are not going to revise the budget at this time and instead will hold it in abeyance until they receive information from the police department as to the direction of incorporation. If they wish to force Fisher Island not to incorporate because they are asking for patrol coverage beyond what is reasonable, they may have to take a step back and seek out other alternatives, such as testing the Home Rule Charter, testing Article 20, chatting with Miami Beach who is very interested in providing services, etc. Mr. Ostrow states that he speaks for himself when he says that he will not recommend incorporation if it is valueless to the community.

Mr. Rodriguez explains that ultimately that is the goal of the MAC, to study whether is feasible or not to incorporate. He clarifies that his office's role is to provide information for the benefit of the MAC. He adds that in relation to the police department his department does not report to the police department nor does the police department report to them. The police department reports to the County Manager who in turn makes a recommendation about incorporation and he's going to look at his department to see what they recommend as minimal staffing levels. If the MAC were to decide to proceed with incorporation not accepting the minimal staffing proposal that would be reflected in the County Manager's report to the Board of County Commissioners.

Mr. Ostrow states that as MAC members they are reasonable, tax paying citizens who expect to be treated as such. If the County Manager wishes to accept a department's requirement as gospel without question for his recommendation then that is his prerogative, but it may not be the right thing for him to do; and he may have to be told that or asked why he did it. Mr. Ostrow further states this is not an

unreasonable community, it is a taxpaying community, a donor community on a continuing basis and his point of view is that everyone must be reasonable. The MAC will await Mr. Parker's response and will adjust the budget at that time.

Mr. Vole asks how many municipalities have incorporated in the last three or four years.

Mr. Rodriguez indicates Miami Lakes, Doral, Miami Gardens, Palmetto Bay and most recently Cutler Ridge. Cutler Ridge voted yes to incorporation but they are working on their municipal charter so they are not officially incorporated but they are in the process.

Mr. Vole asks if these four communities have contracted with the MDPD. The answer from Mr. Rodriguez is "yes". Mr. Vole requests that for the next meeting he would like to have copies for everyone what the police department agreed upon with these communities and would like to find out how those communities compare to Fisher Island so that people can get an idea how the charges compare; and would like to see a break down showing that what Fisher Island is being charged are reasonable and competitive rates. Mr. Vole feels in any other process you would take a rate and would compare it against the rates of others in the same industry to ascertain if the rate being charged is reasonable and customary. Mr. Vole asks Mr. Rodriguez if he can promise him that they can get all of this comparative analyses whether it compares to breakdowns from other counties and other cities.

Mr. Rodriguez explains that he cannot promise that this information will be available to Mr. Vole for the next meeting, but he can promise that he will go back to the police department and express that Mr. Vole wishes to have that information and that the MAC is requesting a presentation from the police department based on that information that you are seeking.

Mr. Vole asks Mr. Rodriguez to copy MAC members on any correspondence so that MAC members can be informed on the situation.

Mr. Rodriguez explains that the Sunshine Law precludes him from having an engaged email, information, conversation with the members as a group.

Mr. Vole says it would not be as a group but individually.

Mr. Rodriguez states that if he feels the information he receives is of substance enough that it would benefit the MAC to have it in advance to review and prepare then he's happy to forward it. Mr. Rodriguez is not sure that what Mr. Vole is asking is possible.

Mr. Ostrow feels that Mr. Rodriguez has always acted within the Sunshine Law and explains no one is asking him to do anything that would in any way affect his keeping within the Sunshine Law. He asks Mr. Rodriguez to share only information he feels is appropriate.

Mr. Rodriguez states that he will request the information from the police department.

Mr. Vole asks Mr. Rodriguez to repeat what he has requested to make certain there was no misunderstanding of what he said.

Mr. Rodriguez repeats that Mr. Vole wants a comparison of the charges that the police department is proposing for Fisher Island compared to the other municipalities; as well as a copy of the proposal the police presented to the other cities that have incorporated such as Miami Lakes, Palmetto Bay, Doral, Miami Gardens and Cutler Ridge.

Mr. Vole thanked him.

Mr. Garcia would like the police department to include information as to whether they include in the proposal an existing station that is turned over to the municipality or not.

Mr. Rodriguez explains when an area incorporates they have a three year contractual agreement with Miami Dade Police Department and a fourth year for transition if they are not going to continue seeking county services. So when that municipality incorporates there is no turning over because all the municipality is doing is contracting the services. Secondly, Miami Dade County is adopting a policy of retaining regulatory control of facilities that have county wide significance.

Mr. Garcia wants to know if that resolution has passed already. Mr. Rodriguez responds that it is in the process. Mr. Garcia wants to know what commissioner is sponsoring that ordinance. Mr. Rodriguez explains that comes from the Incorporation and Annexation Subcommittee that was created in 2002-2004 Board of County Commissioners. The subcommittee no longer exists but this was done when they were functioning. Mr. Rodriguez refers people to [MiamiDadeCounty.gov](http://MiamiDadeCounty.gov).

Mr. Ostrow refers to Home Rule Charter 20-26: *"As a condition of incorporation approved pursuant to Article 5 of the Miami-Dade County Home Rule Charter, each new municipality shall include a provision in its charter and shall agree to contract with the Miami-Dade Police Department and pay for local police services for three years or such longer period of time as may be requested by the municipality."* Mr. Ostrow points out it says nothing about four years.

Mr. Rodriguez points out that there is a transition year.

Mr. Ostrow responds that there is but at the choice of the municipality not the police department.

Mr. Rodriguez explains that Chapter 20 is constantly evolving and perhaps the copy Mr. Ostrow has is not up to date.

Mr. Garcia adds that as the turnover of the new county mayor took effect the new chairman of the Board of County Commissioners seems to have taken a no stance to incorporation. Mr. Garcia has observed a consistent change in that Chapter 20 with resolution after resolution, i.e. the resolution of the cost passed on to the newly formed municipalities – that's not there. Mr. Garcia requests that the County provide them with an updated Chapter 20 and to continuously provide updates.

Mr. Ostrow agrees.

Mr. Rodriguez feels that information is available on the web.

Mr. Garcia would like to go on record as asking Mr. Rodriguez to keep them updated on Chapter 20 changes.

Mr. Rodriguez explains that up to now he has brought back information on any legislation that has passed that would affect any MAC decisions, such as the resolution he provided copies of that requires a third party to study the budgets of a MAC prior to the second public hearing held by the MAC. That is an example of how the MAC has been appraised of such things.

Mr. Rodriguez presents the MAC with information regarding legislation by Commissioner Jordan explaining that Miami-Dade County has contracted with a third party for review of budgets prior to incorporation. The MAC will be affected by this ordinance. When the MAC completes the budget and when the county has this group on board, the Fisher Island proposed budget will be reviewed by this group.

Mr. Ostrow asks Mr. Rodriguez that the only thing keeping the MAC from moving forward with the budget is the response to the police department letter.

Mr. Acosta expresses his concern that he has never had the question of the police department patrolling private property clearly answered. Mr. Garcia also wants to know if the county increases police coverage when crime rate is up, how can Fisher Island need such extensive cover when they have a unique situation and a minimal crime rate. He understands that Chapter 20 requires patrol of public domain but it

has not been clarified as to how the police deals with private domain.

Mr. Ostrow makes it clear that the budget is waiting response to the letter to Mr. Parker.

## **6. General Discussion**

Mr. Ostrow asks if there are any further questions or discussion on issues related to incorporation at this time.

Mr. Pearce makes a comment that he needs to know about the meetings with more notice and he was made aware of the websites available for meeting dates.

Mr. Acosta asks Mr. Rodriguez if it would be okay that he contact Mr. Pearce in his role as secretary to advise of next meeting date. Mr. Rodriguez says this will be fine.

Mr. Pearce feels the police department issue borders on extortion from what he has read and heard.

MAC members have a general discussion on their confusion as to why the police department feels they have to increase coverage so drastically from what they have been providing for so many years.

Mr. Ostrow points out that there is a tendency to charge people on Fisher Island more for services whether it's a mechanic, a delivery, etc. There is a mentality that if you have more you should pay more.

Mr. Garcia says that what makes this so odd is that Fisher Island has had an agreement with the police department for 18 years and they have never adjusted on the Dade County budget any more than the allocated amount that the MAC has listed on the Pro Forma Budget as an expense. Mr. Garcia is greatly concerned how you go from say \$100,000 (which is already more than they are actually spending) to \$800,000. They are not putting in a new structure, they will not use that as a hub – they are just going to provide the same they've done in 18 years – and they can't price this accordingly.

Mr. Garcia wants to know if up to now there hasn't been the expense they have indicated in the proposals why should it start now.

Mr. Pearce states that if they feel that is what the island should have then that coverage should start today. And why isn't the island getting it when they're paying



for it. As a taxpayer, he feels that if this is what they insist Fisher Island has to have he wants to see it happen now.

Mr. Vole points out that he asked Capt. O'Donnell to research and come back with a response, because the times he has bumped into police here the officers stated they were here being paid by Homeland Security not by the county. The special shifts were put on by Homeland Security. He asked O'Donnell this and he said he would get back to the MAC on this. Mr. Vole asks Mr. Rodriguez to find out from the police department regarding this.

Mr. Garcia agrees with Mr. Pearce's point that if the island needs so much coverage why doesn't it get it now.

Mr. Pearce says their budget can't substantiate it, but if the new municipality has to do it they should do it starting tomorrow morning.

Mr. Rodriguez emphasizes for the record that he called Capt. O'Donnell yesterday and asked about the status of the response to the letter from Fisher Island and he indicated that a letter was being finalized and that at the present time he had nothing for Mr. Rodriguez to bring to the MAC. However, he did acknowledge that the letter was received and that a response was being drafted.

Mr. Ostrow explains to Mr. Rodriguez that the he feels that the comment to adjust the budget without having heard back from the police department was unnecessary and the budget will not be adjusted until the MAC receives said response.

Mr. Rodriguez states he will take that message back to the department.

Mr. Rodriguez takes this opportunity to pass along some additional information to the MAC. The first information is excerpts from the Doral Municipal Charter referring to mitigation and Most Favored Nation Status. Doral has become the guideline for future incorporations. The next thing is information for Ms. Sakolsky to use for the Conceptual Agreement regarding debt service. Mr. Rodriguez will fax it to her.

Audience members expresses her opinion on the police issues and that Fisher Island has been protecting itself with private security and very little police presence.

**7. Next MAC Meeting:** Wednesday, June 22, 2005; 6 PM

Mr. Ostrow explains that for his meeting he will have to attend by telephone.

Mr. Ostrow asks if communication for meeting purposes does not violate Sunshine Law.

Mr. Rodriguez clarifies that what the Sunshine requires is that you do not discuss something prior to a meeting that should be discussed at the meeting table.

Mr. Ostrow asks how do they develop a list of possible candidates to replace Mr. Charouhis.

Mr. Rodriguez says at the next meeting everyone will bring the names they have to the table at the next meeting and then a letter will go from the MAC to Commissioner Barreiro asking him to consider this resident to be appointed to the MAC and the Commissioner will deal with this.

Mr. Ostrow wants to know if there is any reason why one of the MAC members cannot be in direct contact with the police department.

Mr. Rodriguez explains he doesn't see why not, but the reason for these meetings is to have the conversations that are being carried out.

Mr. Ostrow says that the MAC is relying on Jason to go back and act as their translator.

Mr. Rodriguez states that is his role as liaison.

Mr. Ostrow feels that the MAC is liaison to the community and the job has to get done one way or another. He wants to know if Jason has any problems where he is not getting a response can he advise Ostrow as chairman.

Mr. Rodriguez says he will, but that he does anticipate the MAC will get a response from the police department. He explains that as citizens you can contact any county department. However, if you are seeking information related to incorporation and annexation the department will want to know that you are working with our unit whose sole role is to provide this information.

Mr. Ostrow wants to know if the response is not forthcoming by the next meeting can they contact the police department directly to avoid community enigmas.

8. **Adjournment:** Motion was made for adjournment and seconded and the meeting was adjourned.